THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO.16963 OF 2005

Dated 2nd August 2005

Between:

Rohit S/o.Anandh Kumar, aged 35 years,

Occu:Partner, Ramdev Oil, Shop No.308,

R/o.Sri Krupa Market, Malakpet, Hyderabad.

…Petitioner

And

The Chief Rationing Officer, Hyderabad.

…Respondent

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O R D E R:

The petitioner is a dealer in rice. On the basis of a panchanama, conducted on 19.3.2005, proceedings were initiated against him, under Section 6-A of the Essential Commodities Act (for short "the Act"), before the Chief Rationing Officer, Hyderabad, the respondent herein. Through his order, dated 1.7.2005, passed under Section 6-B of the Act, the respondent directed confiscation of 25% of the seized stock. Aggrieved thereby, the petitioner filed Criminal Appeal No.173 of 2005, under Section 6-C of the Act, before the Court of Metropolitan Sessions Judge, Hyderabad. He also filed Crl.M.P.No.885 of 2005, for interim orders. His grievance is that the appellate court had adjourned the application for interim orders, to 18.8.2005, and in

the mean while, the authorities of the Civil Supplies Department are likely to confiscate 25% of the seized stock.

Heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies.

The limited grievance of the petitioner is about the adjournment of the matter by the lower appellate court, without granting any interim orders. The circumstances, under which the lower appellate court adjourned the Crl.M.P.No.885 of 2005 to 18.8.2005, are not before this court. However, if the order of confiscation of 25% of the seized stock is enforced, in the mean while, the very purpose of filing the appeal by the petitioner, would be defeated.

For the foregoing reasons, the writ petition is disposed of, directing that the order dated 1.7.2005, passed by the respondent, directing confiscation of 25% of the seized stock, shall remain suspended, till the learned Metropolitan Sessions Judge passes an order in Crl.M.P.No.885 of 2005 in Crl.A.No.17 of 2005. There shall be no order as to costs.

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2nd August 2005

Note: C.C. in three days.

(B/o)

PAN